

**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

**Assessing the Emergency Response Unit of the
Mount Pleasant Police Department**

A Policy Research Project
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By
Lieutenant C.T. "Tommy" Myrick

Mount Pleasant Police Department
Mount Pleasant, Texas
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ABSTRACT

The purpose of this project is to assess the emergency response unit of the Mount Pleasant Police Department. The information gathered can also be applied to other small police departments contemplating initiating or disbanding their own tactical or SWAT units. The project discusses a brief history of the current Mount Pleasant tactical unit, and addresses two basic questions: is there a continued need for a tactical unit in Mount Pleasant; or are there possible alternatives. Further, the project addresses what will be needed to maintain the unit in the areas of training, equipment and written policy. The author uses publications in book and periodical form along with unpublished essays and personal interviews to complete the assessment. References are also made to case law and legislation dealing with tactical units.

The assessment's findings are: there is no viable alternative to the current tactical team in Mount Pleasant; that tactical teams are a necessity now; and the needs for a team will grow in the next twenty years. Relying on an outside agency is neither feasible nor practical. The recommendation is made to maintain the tactical unit of the Mount Pleasant Police Department. The project also recommends that training is and should remain a priority. If properly utilized creative scheduling may reduce the burden on the city's budget. Additionally equipment purchases have been made or arrangements are in place to acquire the needed equipment. Also the department must implement a written policy for the tactical unit and is currently working toward adopting a written policy.

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Introduction

Militia Groups are forming in every state, bank robbers are using bullet proof vests and fully automatic weapons, home invasions are the wave of the future for burglars, car highjackings, bombs, kidnapping, suicidal mass murder are becoming common occurrences. All these criminal episodes are facing today's law enforcement agencies. It's true these problems are normally restricted to urban areas, however, as seen with criminal gangs in the '70s and '80s, these problems often drift to rural areas, such as Mount Pleasant. Most of us in rural law enforcement agencies learned a valuable lesson from the criminal gang migrations to our jurisdictions. The lesson is, what we see on the nightly news in Dallas, Los Angeles, Chicago and New York today - we will experience tomorrow. "A small group of disciplined officers; well trained and armed, and in top physical condition can best respond to the increasing violence in America." (Flynn, 75)

The purpose of this project is to assess the emergency response unit of the Mount Pleasant Police Department. This assessment includes a brief history of the current unit, and addresses two basic questions.

Each year new programs are started which drain already depleted budgets, such as D.A.R.E. and C.O.P.S. With little funding available and the fact that further development of the unit will require considerable resources in manpower and equipment we will begin with the question, "Are there viable needs to continue the tactical unit or are there possible alternatives?" The second question, if needs are established for continuation will be to provide possible solutions to meet those needs, in the areas of training, equipment and written policy.

The intended audience for the project are the Chief of Police, City Manager, City Council and any citizen of Mount Pleasant concerned with these issues. We will use publications in book

and periodical forms along with unpublished essays and personal interviews to complete the assessment. References will also be made to case law and legislation dealing with tactical units. The intent of this discussion will be to provide the ensurance of proper justification and development of an emergency response unit for Mount Pleasant Police Department.

Historical. Legal or Theoretical Context

Every major police department in the United States, and throughout the world, possesses an elite tactical unit called upon to end hostage ordeals, deal with barricaded perpetrators and execute high risk warrants against the most desperate and dangerous of armed criminals. (Katz, 59) These tactical units, as we know them today, have their roots in the middle sixties. The earliest formation is attributed to the Los Angeles Police Department in 1965, a direct result of the Watts Riots, which began on August 11, 1965. (Braden, 1)

The nation began exploring the concept of tactical units with intensified training and specialized equipment after a 1966, incident involving a man named Charles Whitman. Whitman held hostage an entire community under siege for hours, shooting forty-six people from the tower on the campus of the University of Texas in Austin, killing sixteen of the victims. The police department in Austin was virtually powerless against this highly armed foe. This incident along with other similar instances started the examination by other departments across the nation into their own critical incident response capabilities. Many found they were inadequately prepared for this type of high-risk situation and they began developing tactical teams for their own jurisdictions. (Braden, 3-4)

In the last thirty years tactical teams have become so common place in society there is an expectation among communities that tactical units are as vital to the operation of law

enforcement as the patrol unit or communications. "Now (May 1997) teams have emerged in almost every size police department. SWAT has become a 'necessity'." (Flynn, 76)

The Mount Pleasant Police Department formed an organized tactical unit in November of 1996. The unit met once for a physical training session and two months later for firearm qualifications. After January of 1997, the unit began team training sporadically for building searches, high-risk entries and team building exercises.

The Mount Pleasant tactical unit has responded to three hostage situations, two man hunts for felony suspects and over twenty narcotic search warrants. The team has assisted other jurisdictions including both Camp and Titus County Sheriff s Departments, the Tactical Narcotics Team, the Federal Drug Enforcement Administration and the Pittsburgh Police Department.

The Mount Pleasant Police Department, as all police officers, is obligated by statutory law to respond to all calls from the citizenry no matter the risks to the officer's personal safety. "It is well recognized that a law enforcement officer may be held liable to person injured as a consequence of the officer's failure to perform the duties of his office, to wit: preserve the peace, and arrest lawbreakers." (Matulia, 33) When the officers do respond, as required, there is always the chance that someone may be arrested, or in a small number of cases, injured. "When a seizure of a person results in an injury, it is almost a certainty that a lawsuit will be filed for the excessive use of force." (Kalk, 48)

The argument can be made that small police departments can not financially sustain a continued tactical unit because of the requirements of training and equipment purchases. One suggestion is that smaller departments, such as Mount Pleasant, rely on the use of tactical teams from other jurisdictions to handle a crisis in their communities. This concept however may be a

solution for a department with relatively few calls for service of a tactical team. For the departments who foresee the continued need and use of a tactical team, this concept is not feasible. Sergeant Dave McCracken an expert on tactical policy and procedure with the Sugarland Police Department stated, "It is not feasible to rely on other jurisdictions to provide tactical operations for a small department. Instances of tactical operations are growing; the liability issues for both departments and the absorption of manpower and equipment cost make the possibility of using other tactical teams on a routine basis impossible."

It has been the experience of the author that most agencies, including the Mount Pleasant Police Department, will respond when called upon for assistance by another agency. This practice of shared tactical units is not new and some tactical experts say that it could be a solution to the small departments need for a tactical unit. However, the author has also experienced the need to keep the calls and response for assistance to a minimum. The justification for not responding are basically that the responding team normally pays the cost of utilizing its own team and secondly there is an enormous amount of liability each time a tactical unit is called out. The Mount Pleasant Police Department currently has a lawsuit pending as a result of a tactical operation. This is the first suit filed against the team and came from the service of a search warrant in Camp County at the request of the Tactical Narcotics Team and the Drug Enforcement Administration. To say the Mount Pleasant or any agency could provide tactical assistance in an ongoing capacity is neither practical nor good management of an agency.

All evidence from studies across the nation lead to the fact that violence in the United States is a growing trend with no relief for the next twenty-five years. The use of high powered weaponry by criminals along with the lawless education provided the criminals by the ever increasing gang society mandates the need for continued training and preparation by law

enforcement is mandatory. "The criminal of the late 20th century is better prepared than ever. This means that law enforcement must also be better prepared." (Spaulding, 30)

We must never forget the mission of all law enforcement is to maintain the peace and provide safety for the citizens, including the law enforcement personnel executing the mission. Police officers are human, and humans are creatures of habit. Study after study shows many police deaths and also the deaths of innocent citizens during the midst of a shootout involving police were a direct result of habits associated with police officers' daily routines. Officers who are called upon to make life and death decisions must be given opportunities to increase their decision making capabilities and also be provided with the equipment to carry out their mission. "The concept of all specialized tactical teams, regardless of what they are named, is based upon the desire to save lives." (Kolman, 22)

Review of Literature or Practice

One argument posed by many civilians in and out of government is having a bunch of police officers running around in military styled suits, equipped with automatic weapons will increase the number of shootings and the number of persons killed by police. A survey including forty-eight state, local and federal agencies conducted for the International Association of Chiefs of Police found the opposite exists. The survey stated:

The presence of a SWAT unit tends to decrease the shooting incidents and JHR (Justifiable Homicide Rate) and most other factors such as selection standards for unit members, unit training, and unit weapons do not impact significantly on shooting rate or JHR. (Matulia, 100)

The existence of a tactical team presents a calming effect among the community and also acts as a deterrent to criminals. Sergeant Thomas Harm with the Windcrest Police Department, an instructor in tactical operations and training, stated in a personal interview, "All agencies

should have the ability to handle critical incidents. It does not matter what they are called SWAT, Tact Team, or Special Trained Officers, as long as you have the capability."

In July of 1998, the author conducted an informal survey among agencies similar in size and manpower to the Mount Pleasant Police Department (see table below). Of the ten agencies responding seven had tactical units within their department and only one participated in a multi agency tactical team. What might be found interesting is that the agencies responding may not represent a large number, however, the agencies are not restricted to one geographical region of the state.

Informal Survey of Agencies Represented at the LEMIT Module I, July 1997

Department	City Population	No. Sworn S.W.A.T. Officers	Team	No. Officers on SWAT Team	S.W.A.T. On Patrol	Multi-Agency S.W.A.T. Team
McKinney	35,000	51	Yes	8	No	No
Pflugerville	15,000	28	Yes	8	No	No
Sherman	35,000	60	Yes	6	No	No
Harker Heights	18,500	29	Yes	8	No	No
Windcrest	15,000	22	No	NA	Yes	No
Vernon	12,000	22	No	NA	No	No
Bellaire	17,000	37	No	NA	No	No
Texas City	43,000	79	Yes	12	Yes	No
League City	50,000	53	Yes	6	No	Yes
Mt. Pleasant	13,000	30	Yes	10	No	No

The author conducted a second informal survey in June 1998, referencing a tactical training among the members of the LEMIT Module II participants whose agency have a tactical unit. The results of the informal survey found that the tactical units train an average of eight hours per month when possible.

The survey conducted for the International Association of Chiefs of Police shows that the presence of a tactical team has substantiated results in reducing the number of police involved shootings and the number of justifiable homicides in those shootings.

A second survey made by the National Tactical Officers Association, which is discussed later, discovered that most tactical teams have a response time to the scene of an incident of over forty minutes. The survey also concluded that most incidents requiring tactical operations were completed in less than one hour. This survey suggests no department should rely solely on tactical teams from other jurisdictions.

The informal survey conducted at Texas A&M University by the author, among participants of the Law Enforcement Management Institute, Graduate Management Institute Module I in July 1997, found that a majority of the responding agencies currently have a tactical team in place.

Discussion of Relevant Issues

The Mount Pleasant Police Department's tactical unit stands now at a crossroads. The question to be asked is do we disband the unit or do we make a commitment to expand and further develop the unit. The key issues to be addressed in deciding this issue include examination of possible alternatives versus the viable needs of the community. Additionally, if our examination finds a requirement to continue the program we must address implementation of training, equipment and written policy.

Mount Pleasant is not alone in the debate of continued development of tactical units. David Mackenna, a leading authority in tactical unit operations wrote in an article for *The Police Chief* magazine:

Departments across the nation are devoting increased personnel and financial resources to tactical unit formation and support. During the past 20 years, it has become increasingly apparent to police executives and the councils they serve that these specialized units are a necessity for effective police service in modern urban societies. (Mackenna, 56)

One consideration in support for establishing and committing to a tactical unit is the need for preparation. It is vitally important for any jurisdiction to prepare, before an incident occurs, to ensure peace for the citizens of that jurisdiction. "Preparation is the single most important step law enforcement agencies can take to ensure that small disturbances do not grow into major incidents. Effective preparation is, in fact, the best form of prevention." (DeJons, 3)

Other considerations are the obligation of law enforcement to act and the number of legal cases initiated against law enforcement each year because of their actions or failure to act. There are over fifty thousand suits filed in State and Federal courts against law enforcement agencies and the current information indicates the trend will continue for the next five to twenty years. (Grant)

One additional consideration is the obligation the City of Mount Pleasant has to its employees on the police department. We clearly understand that police must respond when called upon, to ensure the safety of our citizens. At the same time, we are also responsible to ensure the safety of the men and women on the police department who place their lives in danger each time they go.

There is ample documentation there will be an increase in the number of incidents requiring the use of tactical teams. Also revealed is the city's and the police department's duty to respond and protect the citizens and employees of the city. Additionally, we found there are no viable alternatives and that tactical teams can show a decrease in police shootings and justifiable homicides by police. Combined, these findings support but one conclusion: the City of Mount Pleasant must continue to support and maintain the police department tactical unit.

With the justification for continuation of the Mount Pleasant Police Department's tactical unit being well established, we should now turn the focus of the discussion to three concerns:

continued training, purchasing of equipment and implementation of a written policy.

The major focus of any tactical team should always be training. "By training together, you develop an appreciation of each other's mission and you tend to gain a lot of insight into how each other operate." (Snow, 1997: 27) The frequency of training conducted by tactical units does not seem to play a great deal of importance when considering formation and continuation of the teams. Statistically, the importance is placed on more consistent and intense training rather than daily or even monthly training. Karl A. Hansen, Chief of Police in Racine, Wisconsin stated his department's SWAT team trains a minimum of five hours bimonthly. (Hansen, 32) It is the training of the officers on the team which distinguishes a tactical team from any other group of officers. In order to have an effective unit, the members of the unit must have certain skills and abilities. "To maintain a high degree of proficiency, an intensified training program should be established." (Washington, 40)

The Mount Pleasant Police Department has acquired via federal grants most of the recommended equipment necessary to any functioning tactical unit. The unit now has tactical vests, uniforms, helmets and goggles, equipment bags and weapons. The last remaining item, recommended by Lois Pilant - a tactical unit expert, to be purchased is some type of communications system for the unit. The unit is currently conducting tests of different systems and should have in place a working system by the end of fiscal year 1998. Funding for the communications system will be provided by a federal grant already in place.

The last issue for the tactical unit is the adoption of a written policy. The Mount Pleasant Police Department has a use of force policy along with an emergency call out policy. However, there is no written policy specifically dealing with the tactical unit. The importance of a written policy is well known. The author is in the process of gathering policies from different

jurisdictions with hopes of forming or adapting the policies which have been validated into a policy for Mount Pleasant.

Training can be effective and not become a drain on the department's budget. The average amount of time spent on training by a small department is only eight hours per month. Even on this limited basis the training can produce team building and safety habits for the members. "There is no point in having a tactical team charged with a particular mission if it is inadequately trained to carry out that mission." (Palmer, 44)

The question has been raised that the Mount Pleasant Police Department can call upon another jurisdiction with a tactical unit to respond to critical incident situations. This may seem to be a solution to the problem of maintaining our current team. However, a study performed by Lieutenant Dennis Higgins, a consultant for the National Tactical Officers Association, the biggest problem facing today's tactical teams is response time. Tactical assistance arrived within forty minutes in 35.96 percent of the cases, while in 43.86 percent of the report incidents, their arrival time took somewhat longer than forty minutes. (Higgins, 42)

Any critical incident should be resolved as quickly as possible. "Calling upon another department for aid is both slow and cumbersome." (Lesce, 82) If it takes over forty minutes to have a tactical unit on the scene from the same jurisdiction, how long might it take to arrange and receive cooperation from a second organization? A better question might be to ask, are the citizens of Mount Pleasant willing to take the chance with their lives created by the additional minutes or hours?

"It is a rare department that has not had its share of incidents requiring the skills of a SWAT team. But it is rarer still to find a department with enough money to equip such a team. It is the divergence of two realities - tactical units are becoming important as funding sources

shrink." (Pilant, 37) The price of equipping and training a tactical unit is relatively small when compared to the price of litigation in court. The average payoff in a civil action against a law enforcement agency in the United States in 1998 is two million dollars. (Grant) Most departments in today's society can ill afford to be without a trained tactical team of some type. With a little creative scheduling for training and the availability of federal grants for purchasing equipment it should not be a problem to continue the team. Our current schedule has every officer in the department on duty one day per week to allow for training. By using one of those training days per month or possibly extending it to two days per month the tactical team should be able to continue training on a routine basis without manpower costs. The availability of federal grants currently in existence also allows departments with little resources to acquire the specialized equipment for a tactical team.

Conclusion / Recommendations

The purpose of this project was to assess the emergency response unit of the Mount Pleasant Police Department. The assessment consisted of a discussion of the history of tactical units and the Mount Pleasant tactical unit specifically. The purpose also included the discussion of two basic questions: are there viable needs for a tactical unit, and what are the alternatives? If needs are established what are the solutions to meet those needs in the areas of training, equipment and written policy?

"SWAT will be a critical necessity for security in the future, it will become a necessity because the bad guys are getting more and more heavily armed every day." (Snow, 1996: 291) The Mount Pleasant Police Department's tactical unit must be assessed to ensure the continued validation of the team, and that the team continues to meet the standards of any team in the areas

of training, equipment and written policy.

The expense of maintaining a tactical unit is high and there are many programs requesting increased funding from the city. The existing problem in the possible disbanding of the team to allow for reallocation of the funding. The focus of the problem contends with possible alternatives to the team and then if the team is necessary what must be done to insure the team is legal. The city fathers must realize. that the days of "old policing" are over. The adversary is well armed and trained. (Davidson, 127-128)

This discussion found that there is no viable alternative to the current tactical team in Mount Pleasant. Tactical teams are a necessity now and the needs for a team will grow in the next twenty years. Relying on an outside agency is neither feasible nor practical. Based off these findings, it is concluded that the team should be maintained.

The project also recommends that training is and should remain a priority. If properly utilized, creative scheduling may reduce the burden on the city's budget. Additionally equipment purchases have been made or arrangements are in place to acquire the needed equipment. Also the department is working on adopting a written policy for the tactical unit.

These recommendations will answer the problem of maintaining the status of the Mount Pleasant Police Department tactical team. The recommendations to continue training, purchase equipment and adopt a written policy will help ensure the safety of the citizens and employees of Mount Pleasant and assist in preventing losses to the city in reference to civil litigation.

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